

9 FAM 42.52 Notes

(TL:VISA-351 01-29-2002)

9 FAM 42.52 N1 Preparing Nonpreference Record of Potential Preference Applicants

9 FAM 42.52 N1.1 An Alien Who Has Obtained a Labor Certification

(TL:VISA-351 01-29-2002)

A Form OF-224B, *Immigrant Visa Control Card* or IVACS entry is to be prepared for every alien who obtains a labor certification, whether on the basis of Schedule A or on the basis of a certified job offer. If such an alien is later the beneficiary of a third or sixth preference petition, the alien will retain the nonpreference priority date (that is, the labor certification filing date) and will also be accorded a preference priority date. (The preference priority date will be the filing date of the petition as determined by INS.) [See 22 CFR 42.53 and 9 FAM 42.52 N3.2-1 thereto.]

9 FAM 42.52 N1.2 Determination of Preference or Nonpreference Priority Dates After Examining Approved Labor Certification

(TL:VISA-3; 08-30-1987)

When an approved third or sixth preference petition is received on behalf of an alien for whom no previous record exists, the consular officer shall examine the underlying approved labor certification to determine the alien's nonpreference priority date (which may be the same as the preference priority date except for an occupation listed in Schedule A), and record both the preference and nonpreference date. The preference priority date, as determined by INS under Service regulations, is shown on the face of the petition. (See 9 FAM 42.53 and 9 FAM 42.53 N3.2-1 thereto.)